

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
CHARLOTTESVILLE DIVISION

ALEXANDER STONE KRISTENSEN, a minor by
next friend, SUSAN LEIGH KRISTENSEN, and
KAIA VICTORIA KRISTENSEN, a minor by next
friend, SUSAN LEIGH KRISTENSEN

Plaintiffs,

v.

WILLIAM DAVID SPOTNITZ and DENISE
CONSTANCE SCHAIN

Defendants.

No. 3:09-cv-00084

ORDER

JUDGE NORMAN K. MOON

Pending before the Court is Defendants' Motion for Summary Judgment. (docket no. 123). Defendants' Motion is predicated upon the Court granting Defendants' Motion in Limine to exclude the expert testimony of Drs. Vance, Vilseck, Lipsey, Frye, and Elgort. (docket no. 117). Because the Court has separately denied Defendants' Motion in Limine, a genuine dispute as to material facts exists, and Defendants are not entitled to judgment as a matter of law.

Wherefore, Defendants' Motion for Summary Judgment is DENIED.

It is so ORDERED.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record.

Entered this 21st day of September, 2011.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE